

## COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

☒ I do not wish to be on the project mailing list

Which meeting did you attend? \_\_\_\_\_

Please check the following issues that are important to you for transmission line siting.

- ☒ Project Purpose and Need
- ☒ Visual / Aesthetic resources
- ☒ Proximity to residences
- ☒ Land use (agriculture, residential, recreation)
- ☒ Water resources (floodplains, river crossings)
- ☒ Biological resources (wildlife habitat, raptors)
- ☒ Historic and cultural sites
- ☐ Radio or television interference
- ☐ Noise
- ☒ Health and safety
- ☐ Other: \_\_\_\_\_

What additional key issues should be addressed when assessing the potential impacts of this project?

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Hampton • Rochester • La Crosse 345 kV Transmission Project

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

☐ Agriculture

☒ Residential

☒ Conservation Easement

☐ Commercial

☐ Industrial

☐ Other: \_\_\_\_\_

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

Hwy 35 between Winona<sup>MN</sup> and Fountain City WI

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

N-001-005

The effects on ~~wild~~ life concern me greatly, especially if the lines go across the wildlife refuge. These high power lines are bad anywhere for birds and other wild life but especially in sensitive areas.

N-001-006

I'm concerned about the health effects on people when the lines are close to their houses and

N-001-007

on the aesthetics of having those huge lines running down the river valley. It will greatly devalue

N-001-008

any property that it runs near

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

(from South Dakota!)

N-001-001

No, I don't think the project managers are being truthful, the lines are being built to run to Chicago and it seems ridiculous to be doing that in this time when we could be looking at more localized sources of power, so we're not so dependent on a huge grid.

We should be steering away from using coal and these lines would lock us into dependence on coal and adding to greenhouse gases. Capx

N-001-002

does not seem to take into consideration that global warming is a real problem and that energy use is actually going down by the average consumer. The presence of those lines would be a green light for people to use all the energy they want, thinking there's plenty and there's no problem.

N-001-003

N-001-004

The excuse of adding the possibility of wind power onto the lines does not make environmentalists feel better about the project, it's like capx is throwing us a bone. Please tell us how to reach you.

CONTACT INFORMATION

Name: Julia Crozier

Representing (Optional): Mississippi River Revival

Mailing Address: W528 St. Rd 35

City: Fountain City State: WI Zip Code: 54629

Daytime Phone (Optional): 507-2474-6879

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

N-001-001

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-001-002

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

N-001-003

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-001-004

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-001-005

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

N-001-006

Your comment has been noted. Potential impacts to human and livestock health and safety will be addressed in the Draft Environmental Impact Statement.

**N-001-007**

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

**N-001-008**

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.



**Kessler, Ellen**

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**From:** Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]  
**Sent:** Tuesday, July 28, 2009 8:06 AM  
**To:** Collins, Carly; Lilley, Bliss  
**Subject:** FW: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project  
**Attachments:** CETFCmt.LaCrosseProject.RUSEISScope7-23-09.pdf

FYI

-----Original Message-----

From: Paula Maccabee [mailto:pmaccabee@visi.com]  
Sent: Thursday, July 23, 2009 6:24 PM  
To: Strength, Stephanie - Washington, DC  
Cc: UpperMississippiRiver@fws.gov  
Subject: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project

Stephanie A. Strength  
Environmental Protection Specialist/RD  
1400 Independence Ave. SW Room # 2244  
Washington, DC 20250-1571  
[stephanie.strength@usda.gov](mailto:stephanie.strength@usda.gov)

RE: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project

Dear Ms.Strength:

Attached, please find the comments of Citizens Energy Task Force pertaining to the USDA Rural Utilities Service Environmental Impact Statement for the CapX2020 La Crosse Project high voltage power lines.

We would greatly appreciate a return email to confirm your receipt of these comments.

Sincerely yours,

Paula Maccabee, Esq.  
Counsel for Citizens Energy Task Force  
1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
Cell: 651-775-7128  
e-mail: [pmaccabee@visi.com](mailto:pmaccabee@visi.com)

cc: Rick Frietsche, Acting Manager  
United States Department of the Interior Fish and Wildlife Service  
Upper Mississippi River National Wildlife and Fish Refuge  
51 E. Fourth Street - Room 101

Winona, Minnesota 55987  
[UpperMississippiRiver@fws.gov](mailto:UpperMississippiRiver@fws.gov)



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July 23, 2009

Stephanie A. Strength  
Environmental Protection Specialist/RD  
1400 Independence Ave. SW Room # 2244  
Washington, DC 20250-1571  
[stephanie.strength@usda.gov](mailto:stephanie.strength@usda.gov)

RE: USDA Rural Utilities Service EIS Scoping for the CapX2020 La Crosse Project

Dear Ms. Strength:

I represent Citizens Energy Task Force (“CETF”), a grassroots organization dedicated to fostering an energy future based on renewable energy, dispersed local energy sources, conservation, and efficient use and sizing of transmission improvements to reduce the adverse environmental, human and socioeconomic impacts of high voltage power lines. This letter provides our comments on the scope of the Environmental Impact Statement (“EIS”) for the CapX2020 La Crosse Project.

We understand that this EIS will be used to evaluate whether the United States Department of Agriculture Rural Utilities Service (“RUS”) should provide or reject financing of the 11 percent ownership share that Dairyland Power Corporation (“Dairyland”) has in the proposed CapX2020 La Crosse Project, including an ultra high voltage 345 kV power line from the Twin Cities Area in Minnesota to the La Crosse Area in Wisconsin. Although neither the Alternative Evaluation Study (“AES”) nor the Macro-Corridor Study (“MCS”) for the Project specified the level of financing requested, since the project cost is from \$380-430 million in 2007 dollars (AES, 1-7), requested RUS financing could exceed \$50 million.

We also understand that this EIS will be used to evaluate whether the United States Fish and Wildlife Service (“USFWS”) should issue or deny a Special Use Permit for crossing the Upper Mississippi River National Wildlife and Fish Refuge, given that any routing of the proposed 345 kV power line crossing the National Wildlife Refuge would require expansion of existing right-of-way width to be viable. The USFWS will participate as a cooperating agency in the National Environmental Policy Act (“NEPA”) review of the Proposal and is copied on this letter.

CETF has been a party to Minnesota Certificate of Need proceedings pertaining to the CapX2020 power lines, including the La Crosse Project.<sup>1</sup> These comments rely on evidence disclosed in the MN/CON hearings and evidence newly-discovered after trial pertaining to the La Crosse Project as well as the filings made by Dairyland to the RUS. CETF has the following concerns and comments regarding the scope of the EIS for the La Crosse Project Proposal:

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<sup>1</sup> *In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and others for Certificates of Need for the Cap X 345-kV Transmission Projects*, PUC Docket No. CN-06-1115 (“MN/CON Proceeding”).

- |                  |  |
|------------------|--|
| <b>N-002-001</b> | 1. The Proposal described in the AES and the MCS may not fall within the mission and authority applicable to RUS financing. The EIS should examine in detail whether the primary purpose of the La Crosse Project is to serve private power suppliers or consumers who are not Rural Electrification Act beneficiaries.  |
| <b>N-002-002</b> | 2. There is no engineering study that demonstrates the need for the La Crosse Project for regional reliability through 2020 given actual declines in peak demand for electricity and reasonable forecasts based on actual 2008 demand. The EIS should independently evaluate all load forecasts pertaining to claimed need for the Project in keeping with RUS regulations.                |
| <b>N-002-003</b> | 3. There are reasonable alternatives to the Proposal described in the AES, the MCS and their Appendices. The EIS should evaluate alternatives identified in these Comments, including specific local generation and 161 kV transmission improvements that avoid impacts on the National Wildlife Refuge and other protected natural resources while providing local community reliability. |
|                  | 4. The MCS appears to review Minnesota and Federal rules and policies protecting national parks and wildlife areas as considerations only for routing. The EIS should explicitly consider selection of reasonable alternatives to the La Crosse Project, once conflicts with these rules and policies have been identified.  |
|                  | 5. Neither the AES nor the MCS describe the Proposal in sufficient detail for members of the public or decision-makers to understand the nature of the La Crosse Project. The EIS should provide detailed information and illustration regarding the size, configuration and characteristics of the Project.   |
| <b>N-002-004</b> | 6. Neither the AES nor the MCS describe the adverse impacts of the Proposal on the natural and human environment, including socioeconomic impacts. The EIS must analyze the adverse impacts of the CapX2020 La Crosse Project on the natural and human environment, including potential health and socioeconomic impacts.  |

CETF's concerns and requests for information and analysis in the EIS before either a USDA RUS federal financing subsidy or a USFWS Special Use Permit are granted for the La Crosse Project are detailed below.

**1. Analysis of the CapX2020 La Crosse Project primary purpose as compared with RUS financing authority to serve Rural Electrification Act beneficiaries.**

The claimed need for the La Crosse Project Proposal is to maintain reliable community service, improve regional electric system reliability and support generation development. (AES, 1-1). The regional demand asserted is to "meet several thousand megawatts ("MW") of additional demand for electric power anticipated in Minnesota, Wisconsin and parts of surrounding states between the years 2009 and 2020." (AES, 1-3).

The claim that the Proposal would support renewable generation in southeastern Minnesota (AES, 1-3) is neither specific nor supported by the record in the MN/CON Proceedings. In the Certificate of Need Proceedings, the Minnesota Office of Energy Security expert witness concluded, "The Applicants did not make a firm claim that they were going to get generation outlet due to the project." (MN/CON, Tr. V. 25, p. 68 ll.16-19 (Rakow)). No number for generation outlet capacity resulting from the La Crosse Project was identified in the CapX2020 filings or testimony, the AES, the MCS or the Southeastern Minnesota – Southwestern Wisconsin Reliability Enhancement Study of March 13, 2006 ("SE MN/SW WI

~~Hampton-Rochester-La Crosse 345 kV Transmission Improvement Project Scoping Report~~  
~~February 2010~~  
~~Public Release of the Draft Final Draft Environmental Impact Statement on~~

**N-002-002**

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>.

**N-002-003**

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

**N-002-004**

Your comment has been noted. Potential impacts to social and economic resources as well as wildlife and vegetation will be addressed in the Draft Environmental Impact Statement.

Study”) contained in AES Appendix (“Apx.”) A-2.

The community reliability need asserted in the AES is for the Rochester and Winona/La Crosse areas. The City of Rochester had a population of over 102,000 in 2007, according to the Minnesota State demographer, while its MSA population was estimated by the United States Census Bureau in 2007 as over 180,000. The population of La Crosse was 51,818 in the 2000 census. The urban population of Winona is estimated at 25,074 (all inside urban clusters) with a rural population of 1,652. (<http://www.city-data.com/housing/houses-Winona-Minnesota.html>).

**N-002-005**

It is questionable whether the needs asserted for the La Crosse Project fall within the authority of RUS financing. The Rural Electrification Act of 1936 provided federal funding for installation of electrical distribution systems to serve rural areas of the United States. At the time the act was passed, electricity was commonplace in cities, but largely unavailable in farms and other rural areas. When the USDA was reorganized in 1994, the Rural Electrification Administration became the Rural Utilities Service. In addition to helping rural areas obtain electric and phone service, RUS has helped more than 20,000 rural communities obtain modern water systems.

Statutes, rules and judicial precedent pertaining to the RUS limit the authority of the RUS to financing that improves electric service in rural areas and serves Rural Electrification Act (“RE Act”) beneficiaries. The Rural Electrification Act provides:

The Secretary of Agriculture. . is authorized and empowered to make loans in the several States and Territories of the United States for rural electrification and for the purpose of furnishing and improving electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy efficiency and conservation programs, and on-grid and off-grid renewable energy systems. 7 U.S.C.S. §902, *see also* 7 U.S.C.S. §904.

Implementing regulations define an RE Act “beneficiary” as “ a person, business, or other entity that is located in a rural area.” 7 C.F.R. §1710.2. Loan funds may only be used for the purchase of an ownership interest in transmission facilities “to serve RE Act beneficiaries.” 7 C.F.R. §1710.106(a)(2)(ii). The Regulations clearly state “RUS will not make loans to finance . . facilities to serve consumers who are not RE Act beneficiaries unless those facilities are necessary and incidental to providing or improving electrical service in rural areas.” 7 C.F.R. 1710.106(c)(2). This limit on RUS financing is explained in 7 C.F.R. §1710.104:

**Service to Non-RE Act beneficiaries.**

- (a) To the greatest extent practical, loans are limited to providing and improving electric facilities to serve consumers that are RE Act beneficiaries. When it is determined by the Administrator to be necessary in order to furnish or improve electric service in rural areas, loans may, under certain circumstances, be made to finance electric facilities to serve consumers that are not RE Act beneficiaries.
- (b) Loan funds may be approved for facilities to serve non-RE Act beneficiaries only if:
  - (1) The primary purpose of the loan is to furnish or improve service for RE Act beneficiaries; and
  - (2) The use of loan funds to serve non-RE Act beneficiaries is necessary and incidental to the primary purpose of the loan.

**N-002-006**

As explained in the AES, the MCS and the thousands of pages of MN/CON Proceedings, the primary purpose of the La Crosse Project is to serve non-RE Act beneficiaries. To the extent

**N-002-005**

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>.

Please refer to comment response N-002-001 regarding the RUS involvement process.

**N-002-006**

Your comment has been noted. Please refer to comment response N-002-001 regarding the RUS involvement process.

that any benefit may be realized by rural area consumers, that benefit is incidental to the primary purposes of the Proposal.

Any advantage or disadvantage that might accrue to Xcel Energy or other private power suppliers involved in the CapX2020 projects if a loan is denied by the RUS is outside the scope of concern for the RUS. As explained by the Eighth Circuit in *REA v. NSP*, 373 F.2d 686, 696 (8<sup>th</sup> Cir. 1967), *writ of certiorari denied* 387 U.S. 945 (1967), the federal program under the RE Act is specifically for the benefit of rural families to have modern and efficient electrical facilities; it is not to serve the interests of private power suppliers.

Dairyland is obligated under the CapX2020 Project Development Agreement with Xcel Energy and other utilities to facilitate the development of the CapX2020 projects, including granting or issuance of critical permits. (MN/CON Ex. 1, Apx. B-2 (Application), p. 9). However, Dairyland is authorized to withdraw from the CapX2020 Project any time before March 31, 2010 if, despite its commercially reasonable efforts, Dairyland has not secured RUS financing. (*Id.*, p. 13).

**2. Analysis of regional need given declines in peak energy demand, conservation, reasonable load forecasts and applicable regulations.**

**N-002-007** | CETF believes that the asserted regional need for the CapX2020 power lines over a multi-state area, serving loads in far-flung large urban centers is outside the scope and authority of the RUS. Most of the customers and loads to be served by the CapX2020 projects are non-RE Act beneficiaries, rather than rural customers.

**N-002-008** | In addition, given actual declines in peak demand for electricity, conservation requirements enacted in Minnesota in 2007, and reasonable forecasts based on demand, the projected demand load in 2020 falls below the lowest threshold justified in any CapX2020 engineering study. The EIS should scrutinize, based on RUS regulatory criteria, whether Dairyland has met the minimum requirements for methods, procedures, data and analysis required for forecasts by borrowers.

The primary analysis of regional need provided by Dairyland relies upon the Vision Plan developed by the CapX2020 prior to 2005. (AES 2-4, AES Apx. A-1, p. 1). The Vision Plan performed an engineering study of regional needs across Minnesota and neighboring states, based on an assumption that peak electric demand would grow 2.49 percent annually compounded from 2009 to 2020, thus increasing by 6,300 MW. (AES Apx. A-1, p. 5). The Vision Plan also performed a “slow growth” sensitivity analysis with a 4,500 MW increase between 2009 and 2020. The scaled down demand load forecasted under this model was projected in the Vision Plan to be 24,701 MW in 2020. (AES Apx. A-1, p. 28).

In the MN/CON Proceeding, the Administrative Law Judge (“ALJ”) emphasized this lower boundary for the CapX2020 engineering analysis in her Findings, each of which were adopted in the Order of the Minnesota Public Utilities Commission certifying the CapX2020 facilities. The ALJ relied on evidence available at the time of the hearing, which suggested regional load in 2020 would exceed this 24,701 MW threshold. “Each forecast in the record is at or above the 24,701 MW slow-growth forecast in the Vision Plan upon which the engineering analysis was conducted.” (MN/CON Proceeding, ALJ Report, Finding 179)

Since the MN/CON hearing concluded, Xcel Energy, which represents over 40 percent of the regional need identified by the CapX2020 utilities, has prepared up-to-date forecasts, admitted as evidence in other Minnesota administrative proceedings. Xcel’s current forecast modifies the data provided by Applicants in the MN/CON Proceeding and demonstrates that the 2020

**N-002-007**

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>.

Please refer to comment response N-002-001 regarding the RUS involvement process.

**N-002-008**

Please refer to comment response N-002-001 regarding the RUS involvement process.

CapX2020 load will almost certainly fall below the lowest level for which an engineering study was done indicating that the La Crosse Project was needed for regional reliability.

The most recent forecast provided by Applicants for the MN/CON hearings was submitted in Ex. 51, a March 2008 response to discovery. In the median (medium) forecast in Ex. 51, the total load in the CapX2020 region was forecasted to be 25,708 MW in 2020, with a peak demand for Xcel Energy of 11,176 MW.

However, Xcel's most recent forecasts project a peak demand in 2020 of 9,896 MW, reducing 2020 load in the CapX2020 region by 1280 MW.<sup>2</sup> This adjustment alone brings forecasted regional demand in 2020 to 24,428 MW -- below the threshold studied in the Vision Plan.

In addition, Applicants acknowledged that their Ex. 51 forecasts did not fully take into account the 2007 Minnesota 1.5 percent energy conservation policy enacted in Minn. Stat. §216B.2401. (MN/CON Proceedings, Tr. V. 4, p. 49 (Lacey)). Reduction of forecasts to reflect compliance with Minnesota's 1.5 percent conservation policy could reduce projected load in 2020 by another 1,000 MW.<sup>3</sup>

*Figure 1 – Effect of Decline in Demand (Xcel) and Conservation on CapX2020 Regional Demand Load in 2020*

	2009	2020
<b>Xcel Median IRP Forecast</b> (MN/CON Ex. 51)	9,881 MW	11,176 MW
<b>Xcel Current Demand Forecast</b> (PINGP Uprate/CON Ex. 146, 3/30/09)	9,399 MW	9,896 MW
<b>Change in Xcel Demand --</b> <b>Ex. 51 to Current Forecast</b>	(482 MW)	(1,280 MW)
<b>TOTAL CAPX2020 FORECASTS</b>		
Lowest Vision Plan load studied		<b>24,701 MW</b>
<b>2007 Median Resource Plan Forecast</b> (MN/CON, Ex. 51)	21,789 MW	25,708 MW
<b>Adjusted for Change (Xcel) Demand</b> (Current 2009 Forecast)	21,307 MW	<b>24,428 MW</b>
<b>Adjusted for Compliance with 2007</b> <b>MN Conservation Law. (1,000 MW)</b>		<b>23,428 MW</b>

<sup>2</sup> Ex. 146, Response to IR Request No. 40, *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need for the Prairie Island Nuclear Generating Plant for an Extended Power Uprate*, MN PUC Docket CN-08-509 ("PINGP Uprate/CON")

<sup>3</sup> The OES downward adjustment to their forecast base case from Integrated Resource Plan reduced load by 1370 MW by 2020 to comply with 1.5 percent conservation. MN/CON Proceedings ALJ Report, Attachment E. The 1,000 deduction in Figure 1 is a rough approximation of additional load reduction given demand reductions.

## N-002-009

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>.



N-002-010

Once 2020 forecasted need falls below levels studied in the Vision Plan, there is no basis to assume that the CapX2020 power lines, and the La Crosse Project in particular would be selected by an engineering analysis to support regional peak demand growth. CETF requests that, in the EIS for the Proposal, the RUS evaluate and take responsibility for the accuracy of all information used to assert a need for the Proposal, as required under 7 C.F.R. §1794.2(d).

N-002-011

The AES for the Proposal did not reference the criteria for approval of load forecasts under 7 C.F.R. §§1710.207, 1710.208, or 1710.209. It is not clear to CETF which of these sections of the regulations should apply to Dairyland in advancing a project owned by multiple utilities or whether the minimal requirements of the regulations have been met.

N-002-012

Under any section of these regulations, the borrower is required to consider and identify all loads on its system of RE Act beneficiaries and non-RE Act beneficiaries, which analysis has not been provided for the CapX2020 projects. The AES has not demonstrated that the CapX2020 forecasts considered all known relevant factors that influence energy consumption, developed an adequate supporting data base or considered a range of relevant assumptions, as required by 7 C.F.R. §1710.207, let alone the additional requirements for valid and verifiable analytical techniques and analysis of a reasonable range of alternative futures as required in 7 C.F.R. §1710.208. CETF requests that the EIS explain the RUS regulatory criteria for approval of load forecasts applicable to the Proposal and provide a thorough and independent review of all forecast data and assumptions.

N-002-013

In addition to analyzing the data required under RUS regulations, CETF requests that the EIS specifically analyze the degree to which the load forecast assumptions of the project proponents reflect load management and conservation. The AES states the “utilities’ consideration of load management is reflected in their forecasts of future load growth in the Rochester and La Crosse areas,” (AES 3-14) but does not say what percentage of energy savings is assumed in regional or local area forecasts or what strategies and megawatt impacts are proposed for peak load management.

N-002-014

The EIS should provide sufficient transparency so that members of the public can understand what level of conservation and load management is forecasted and whether the projections are in compliance with Minnesota statutes setting a policy of 1.5 percent energy savings. CETF would also request that the EIS contain a reasonable range of alternative conservation and load management futures, with attendant costs and reductions in peak electricity demand.

### **3. Reasonable alternatives to the Proposal that avoid and minimize impacts on the natural and human environment.**

The community reliability needs identified in the AES and MCS are likely to be outside the scope of RUS financing authority, since they pertain primarily to non-RE Act beneficiaries who live in the cities of Rochester, La Crosse and Winona, not in rural areas. In addition, there are reasonable alternatives to the CapX2020 La Crosse Project to meet these community reliability needs.

Under NEPA, federal agencies are required to the fullest extent possible, to use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. 40 C.F.R. §1500.2(e). The RUS considers a number of additional factors in its review of proposals under NEPA, including but not limited to the proposed action’s size and scope, state of the technology, economic considerations, legal and socioeconomic concerns, availability of resources, and the timeframe in which the identified need must be fulfilled. 7 C.F.R. §1794.12.

### **N-002-010**

Please refer to comment response N-002-001 regarding the RUS involvement process.

### **N-002-011**

Please refer to comment response N-002-001 regarding the RUS involvement process.

### **N-002-012**

Please refer to comment response N-002-001 regarding the RUS involvement process.

### **N-002-013**

Please refer to comment response N-002-001 regarding the RUS involvement process.

### **N-002-014**

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.



N-002-015

The AES, MCS and their Appendices, along with data developed in the MN/CON Proceeding are sufficient to identify reasonable alternatives to the Proposal that will avoid or minimize adverse impacts on the quality of the environment, including avoiding impacts on the Upper Mississippi River National Wildlife and Fish Refuge and other protected natural resources. A combination of local transmission improvements and existing and planned local generation would provide local community reliability without new transmission lines crossing the Mississippi, without any new ultra high voltage 345 kV transmission, with fewer impacts on residents and land use and, most probably, at a lower cost than the Proposal. CETF requests that the EIS identify and assess these reasonable alternatives.

Local community need in the Rochester Area will be met by the RIGO transmission projects planned by Xcel Energy to comply with the Minnesota Renewable Energy Standards and by using existing and planned local generation. Several of the statements made in the AES and the MCS regarding the RIGO projects and local Rochester generation are misleading.

The AES creates an inference that the Proposal is needed, although the RIGO projects provide approximately 468 MW of capacity in the Rochester area, stating that the 468 MW of capacity is “assuming construction of the 345 kV line from the Twin Cities to La Crosse.” (AES 2-14). The inference that the 468 MW of capacity from RIGO depends on the Proposal is false. The RIGO study itself belies this inference:

The preferred alternative in this Study will alleviate certain limitations on the transmission system in the area to allow for additional generation in a wind-rich area of the State. If constructed, it is estimated that the transmission system would be able to serve approximately 65 MW of additional load for a total of 246 MW, a level that exceeds the current load in the areas. A project being planned by Dairyland will add further support. Dairyland intends to reconductor the Rochester-Adams 161 kV line to facilitate wind outlet. If the RIGO lines and the reconductor project were constructed, the transmission system would be able to reliably service approximately 468 MW in the Rochester area, a level expected to be reached in approximately 2018. One of the Group I projects, the 345 kV line from a new Hampton Corner Substation in southeastern Twin Cities to the La Crosse area, *will further enhance* the load serving ability of the system beyond the year 2040. (RIGO Study, AES Apx. A-6, pp. 16-17, emphasis added)

The AES also appears to suggest that local generation in the Rochester area will be decreasing through the 2020 time period. (AES 3-15). This, again, is misleading. Evidence regarding existing and planned generation resources collected in the MN/CON Proceeding verifies that by 2020 Rochester Public Utilities (“RPU”) plans to add 100 MW of natural gas combustion at the West Side CT, while retiring 78 MW of generation from Silver Lake Units #1, #2 and #3 and Cascade Creek #1, for a net gain of 22 MW of generation. (MN/CON Proceeding, Ex. 222, p. 11, (Response to IR No. 29 of OES), Tr. V. 22, pp. 19-22 (Shaw)).

The AES overstates the conclusions of the SE MN/SW WI Study regarding the “inadequacy” of the 161 kV options. (AES 3-2). The Study identified two alternatives that provide adequate service to the greater La Crosse area for the 2009 summer peak load projected as 527 MW plus an additional 50 MW. (SE MN/SW WI, AES Apx. A-2, pp. 67, 159). Although the Study questioned the duration of the solution provided by the recommended Alternative D, it also raised concerns about the 345 kV alternative:

There are numerous issues associated with the siting of any line, but especially a line from Rochester to the La Crosse area. This includes the availability of corridor sharing, routing a major line through the Mississippi bluff lands, routing a line across

## N-002-015

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

the Mississippi River and siting a major 345 kV substation a rapidly expanding area in the La Crosse area. (SE MN/SW WI Study, AES Apx. A-2, p. 114).

By citing conclusions reached under different forecasts of demand and combining reliability information under single loss conditions with deficits from multiple generation and transmission failures, the AES gives an inaccurate summary of the community reliability needs in the Rochester and La Crosse areas and the ability of transmission and generation with fewer adverse impacts to meet these needs.

The AES fails to explain the demand side management assumptions in its load forecasts and contains highly unrealistic assumptions for peak demand increases from 2008 to 2010. In the La Crosse area, for example, total load is projected to increase from actual demand of 435.34 MW in 2008 to 484.52 MW, an increase of more than 5.5 percent compounded in the next two years! (AES 2-24).

Figure 2 – Community Reliability Alternatives in the Rochester Area and Figure 3 – Community Reliability Alternatives in the La Crosse Area, provided below, demonstrate that even using the forecasts in the AES, local 161 kV transmission improvements with existing and planned generation can meet community reliability needs in both areas. Sources of information are provided parenthetically. Demand side management and forecasts more consistent with recent peak electricity trends would further extend the years during which forecasted demand will stay within critical load limits.

*Figure 2 – Community Reliability Alternatives in the Rochester Area*

	ACTUAL PEAK LOAD (AES 2-11)			FORECASTED (AES Apx.A.3)
	Load MW 2002	Load MW 2006	Load MW 2008	Load MW 2020 (2.27%/yr)
<b>LA CROSSE PROJECT</b>				
<b>Rochester Substations</b>	290.18	329.97	307.87	<b>402.96</b>
Rate Increase 2002-2008			0.99%	
<b>CRITICAL LOAD LEVEL (No La Crosse Project)</b>				
<b>Transmission Only</b> (AES 2-11)	181			
<b>Existing Transmission &amp; Generation</b> (AES 2-9)	362			
<b>Transmission &amp; Planned Generation</b> (MN/CON Ex. 222)	384			
<b>Transmission Only RIGO &amp; Adams Reconductoring</b> (RIGO Study, p.16)	468			
<b>RIGO, Adams &amp; Existing Generation</b> (AES & RIGO Study)	649			

Figure 3 – Community Reliability Alternatives in the La Crosse Area

LA CROSSE PROJECT	ACTUAL PEAK LOAD (AES 2-23)			FORECASTED (AES Apx.A.4)
	Load MW	Load MW	Load MW	Load MW
	2002	2006	2008	2020
				(1.9%/yr)
<b>La Crosse Substations</b>	425.12	464.59	435.34	<b>547.57</b>
Rate increase 2002-2008			0.40%	
<b>CRITICAL LOAD LEVEL (No La Crosse Project)</b>				
<b>Transmission Only (AES 2-24)</b>	470			
<b>Existing Transmission &amp; Generation (French Island)(AES2-20)</b>	<b>610</b>			
<b>Transmission Only Alternative "D"</b> (SE MN/SW WI Study, p. 159)	<b>577</b>			
<b>Alt "D" &amp; French Island</b> (AES & SE MN/SW WI Study)	<b>717</b>			

For the Rochester area, the RIGO transmission improvements, with or without using existing generation, provide a feasible and prudent alternative to the Proposal. The most cost-effective options in the RIGO study, options 12 and 13, have costs per MW of generation support of less than \$100,000. The installed cost of RIGO options 12 and 13 combined are approximately \$32 million. (RIGO Study, AES Apx. A-6, pp. 14-15).

For the La Crosse area, either the use of existing transmission and French Island local generation or the Alternative "D" transmission improvements in the La Crosse 161 kV Load Serving Study provide reliability beyond 2020. The cost of the La Crosse Area 161 kV facilities, including capacitor additions, 161 kV lines and substation improvements was estimated at \$39.5 million in 2006. (SE MN/SW WI Study, AEP Apx. A-2, p. 145). Although there may be some inflation since then, several aspects of the project, including the capacitor upgrades and the Genoa-Coulee 161 kV upgrade have already been completed, (MN/CON, Ex. 11, p. 2 (Supp. Resp. to IR 16 of NAWO/ILSR)), thus reducing likely costs of this alternative.

For both the Rochester and the La Crosse area, there are specific and reasonable alternatives that meet local community reliability needs and do not require impairment of a National Wildlife Refuge and other protected natural resources. Conservation and load management would yet further extend the reliability provided by 161 kV transmission improvements along with local generation. Although not required in a NEPA analysis, it should be noted that the installed costs of the alternatives to the Proposal are substantially less than the \$380 to \$430 million costs of the CapX2020 La Crosse Project.

It is irrelevant under NEPA that the CapX2020 utilities have not filed a certificate of need for the RIGO projects. Not only is such a filing within their control -- they opened a Minnesota Public Utilities Commission docket for the project in 2008, CN-08-992 -- but regulations

N-002-016

implementing NEPA specifically provide that an EIS must identify reasonable alternatives not within the jurisdiction of the lead agency and the no-build alternative. 40 C.F.R. §1502.14(c). A critical function of the EIS for the La Crosse Project must be to examine and identify these specific reasonable alternatives that meet community reliability needs while avoiding and minimizing environmental harm of transmission facilities.

**4. Minnesota and Federal laws protecting national parks and wildlife areas.**

The MCS appears to view Minnesota and Federal rules and policies protecting national parks and wildlife areas as considerations only for routing, not as a potential basis for a decision that financing or permits should be denied, given the availability of reasonable alternatives to meet community reliability needs.

The MCS cites Minnesota law prohibiting transmission line routing through state or national parks or state scientific areas, "unless the transmission line would not materially damage or impair the purpose for which the area was designated and no feasible and prudent alternative exists." (Minn. R. 7849.5930, subp. 2). The MCS then states that these environmental features will be addressed during routing and that efforts were made to avoid federally protected areas including the Upper Mississippi National Wildlife and Fish Refuge, except where there are existing transmission line corridors. (MCS 5-8).

It is undisputed that all proposed routes for the La Crosse Project would require routing through the National Wildlife Refuge. Route selection is insufficient to address the prohibition in Minn. R. 7849.5930, subp. 2.

Correspondence from the USFWS to Xcel Energy on May 4, 2009 (MCS Apx. C) reflects concerns about new right-of-way crossing the Refuge:

Regulations and policy governing uses on national wildlife refuges prohibit new uses or projects which fragment habitat and such projects include roads, bridges, and powerlines. The one exception is for minor expansion of existing rights-of-way. "Minor" is not defined and left to the discretion of the refuge manager based on professional judgment taking into account refuge specific conditions and anticipated impacts.

Based on discussions with staff, a review of our regulations and policy, and a review of your preliminary right-of-way pole configurations, I do not believe the various options would involve a minor expansion of any of the existing rights-of-way. Most of the options involve a 75 percent or more expansion of right-of-way width to be viable. Therefore, I would have to recommend to our Regional Director (the deciding official on new or expanded right-of-way requests) that no expansion of existing right-of-way be granted and that any design option be restrained or confined to existing right-of-way width.

No reference is made in either the AES or the MCS to the possibility that an alternative project, rather than an alternative route will be required to avoid impairment of the National Wildlife Refuge and expansion of right-of-way.

The MCS briefly notes that a Special Use Permit may be required from the USFWS for the La Crosse Project to cross the National Wildlife Refuge. (MCS 1-3). However, the MCS neither discusses the standards for a USFWS permit nor the impacts on the Wildlife Refuge evidenced in communications with the USFWS and in the hearing record from the Minnesota Certificate of Need proceeding. This gap must be addressed in the EIS.

N-002-017

**N-002-016**

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

**N-002-017**

Your comment has been noted. Potential impacts to wildlife and any necessary state or federal permits will be addressed in the Draft Environmental Impact Statement.

USFWS regulations preclude the granting of a right-of-way permit across National Wildlife Refuge lands unless there is a finding, based on sound professional judgment, that the use "will not interfere with or detract from the fulfillment of the National Wildlife System mission of the purposes of the national wildlife refuge." 50 C.F. R. 29.21.

Any applicant for a USFWS permit must include a detailed environmental analysis from which the USFWS can prepare an EIS in compliance with NEPA and other federal laws:

All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). 50 C.F. R. §29.21-2(a)(4).

**N-002-018** | The AES and MCS documents, along with their Appendices, contain little if any information from which either the RUS, as lead agency or the USFWS, as a cooperating agency, could prepare an EIS in compliance with NEPA. As detailed in the remaining two sections of this Comment, this gap must be rectified in order to comply with Minnesota rules and Federal regulations regarding location and permitting of power lines as well as to meet NEPA requirements.

#### 5. Detailed description of La Crosse Project characteristics.

**N-002-019** | Neither the AES nor the MCS describe the Proposal in sufficient detail to permit members of the public to understand the nature of the La Crosse Project or for decision-makers to make informed decisions as to its impacts and alternatives. The EIS should provide detailed information and illustrations regarding the size, configuration and characteristics of the Project, including characteristics if segments of the Project are encased and buried. In order to provide this information, the RUS and USFWS may need to require Dairyland to supplement its current filings with a detailed environmental analysis of the Project.

Specifically, the EIS should provide at least the following information:

- Descriptions and photographs or illustrations to scale showing all structures that would be used to support double-circuited 345 kV Project power lines. If H-frame structures may be used to support the power lines in some areas, such as river or wetland crossings (AES 1-7), those locations should be identified and the size, appearance and distance between such H-frame structures should be specifically indicated.
- Computer-generated graphics showing the various power line structures imposed on views of the Mississippi River corridor are specifically requested in order to evaluate impacts on visual and scenic features of the corridor, including the National Wildlife Refuge and scenic roads on both the Minnesota and Wisconsin sides of the river.
- Descriptions and illustrations indicating the size and depth of foundations that would need to be constructed to support double-circuited 345 kV Project power lines, including the size of the footprint that would be disrupted during construction.

~~N-002-018 The AES and MCS documents, along with their Appendices, contain little if any information from which either the RUS, as lead agency or the USFWS, as a cooperating agency, could prepare an EIS in compliance with NEPA. As detailed in the remaining two sections of this Comment, this gap must be rectified in order to comply with Minnesota rules and Federal regulations regarding location and permitting of power lines as well as to meet NEPA requirements.~~

#### N-002-019

Your comment was recieved and has been noted. The Draft Environmental Impact Statement will describe, in detail, components and facilities associated with the proposed project.

The Draft Environmental Impact Statement will be available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-002-019

- Descriptions and illustrations indicating the breadth and height of clearings of trees and other flora that would be maintained along the right-of-way for above ground Project power lines, along with specific information regarding right-of-way maintenance and preparation along river corridor and bluff lands.
- Descriptions and illustrations indicating the width and depth of areas that would be affected in order to encase and bury Project power lines under ground in areas of river crossings and National Wildlife Refuge areas.
- Projections of the level of audible noise from power lines and substations at various distances under dry and wet weather conditions, with clear references to the sources of such projections and any study data that supports the noise analysis.
- Projections of magnetic fields at the center line and at various distances from the Project power lines specifying the location and voltage of power lines for which projections are made, with clear references to sources and any study data that supports the projections of magnetic fields.
- Projections of electromagnetic fields at the center line and at various distances from the Project power lines specifying the assumptions made regarding current levels from which such projections are made, along with references to sources and any study data that supports the projections of magnetic fields.
- Descriptions and illustrations indicating existing and proposed expansions of right-of-way for any proposed Project route across the National Wildlife Refuge and other protected natural areas, indicating not only the width of the proposed expansion, but the topography, geology, plant and animal species, nests and habitats in the area where expanded right-of-way is proposed to be constructed.

**7. Adverse impacts of La Crosse Project on natural and human environment, including direct and indirect adverse impacts and any irreversible or irretrievable commitment of resources.**

Neither the AES, the MCS nor Appendices to these documents provide the information on adverse impacts to the environment or socioeconomic factors required under RUS or USFWS regulations, as described above. More critically, these documents provide little of the information needed to prepare an EIS in compliance with NEPA.

NEPA requires that an EIS discuss the environmental consequences of a proposed action and its alternatives to form the basis for a scientific and analytic comparison of alternatives to the proposal under 40 C.F. R. §1502.14. Specifically NEPA regulations require:

The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14. It shall include discussions of

- (a) Direct effects and their significance (Sec. 1508.8).
- (b) Indirect effects and their significance (Sec. 1508.8).

- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See Sec. 1506.2(d).)
  - (d) The environmental effects of alternatives including the proposed action. The comparisons under Sec. 1502.14 will be based on this discussion.
  - (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
  - (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
  - (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
  - (h) Means to mitigate adverse environmental impacts (if not fully covered under Sec. 1502.14(f)).
- 40 C.F.R. §1502.16.

**N-002-020**

In order to comply with these regulations, the EIS must contain a thorough and analytic review of how the characteristics of the La Crosse Project, described in detail, directly and indirectly affect the natural environment, the human environment and socioeconomic and cultural features and values. Additional information may be required of Dairyland and other CapX2020 project proponents in order to permit the EIS to be completed.

**N-002-021**

First, the EIS should provide analysis on direct and indirect effects of the Proposal on energy usage and air quality. The EIS should identify the nature of the energy sources that will be supported by the CapX2020 Projects, including coal and lignite coal from North and South Dakota, and describe the effects of such power generation on air quality and global warming. In conducting this analysis, the EIS should consider both the prevalence of coal projects in advance of wind energy in the Midwest ISO queue and the potential use of the CapX2020 power lines from the Dakotas through Minnesota to load centers in the east to circumvent Minnesota Greenhouse Gas statutes limiting the purchase of utilities of coal power without sequestration of carbon dioxide. Minn. Stat. § (Minn. Stat. §216H.03). These potential adverse effects should be compared with those of the no-build alternative and the alternatives previously identified to meet community reliability needs -- including the RIGO transmission projects, local generation and the 161 kV projects identified in the La Crosse Load Serving Study.

**N-002-022**

The EIS should then provide an evaluation of impacts of the Proposal on scenic and aesthetic features, including but not limited to impacts on the USFWS Upper Mississippi River National Wildlife and Fish Refuge, the Van Loon Wildlife Area managed by the Minnesota Department of Natural Resources ("MDNR"), the Cannon River Scenic or Recreational River area designated by the MDNR, the Minnesota Great River Road Scenic Byway and the Wisconsin Great River Road. In this evaluation, the EIS should both analyze the degree to which the Proposal will impact the purposes for which these various scenic and natural features were established and the consequences to tourism, recreation and enjoyment of these features if the Proposal were implemented as compared to implementation of the no-build alternative and the previously identified alternatives to meet community reliability needs.

**N-002-023**

In addition to evaluating visual impacts of the projects on protected natural resources, the EIS should evaluate the impacts of the Proposal and the no-build and identified alternatives on the natural environment in the National Wildlife and Fish Refuge and other areas of particular environmental concern. This analysis should include adverse impacts on wetlands, trees, habitat and areas of biodiversity significance; adverse impacts on rare and endangered species and species of concern, including aquatic species as well as birds and terrestrial species; and

## **N-002-020**

Your comment has been noted. Potential impacts to wildlife, vegetation, water and air quality, social and economic resources, and historic and archeological resources affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

## **N-002-021**

Your comment has been noted. Potential impacts to air quality as well as cumulative impacts will be addressed in the Draft Environmental Impact Statement.

## **N-002-022**

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line as well as recreational resources will be addressed in the Draft Environmental Impact Statement. Potential impacts to social and economic resources will also be addressed in the Draft Environmental Impact Statement.

## **N-002-023**

Your comment has been noted. Potential impacts to wildlife including rare and/or regulated species, wetlands, and vegetation will all be addressed in the Draft Environmental Impact Statement.



- N-002-023** | adverse impacts on migratory birds and nesting areas for eagles and other bird species.
- N-002-024** | The EIS should also evaluate, given both the increase in right-of-way across the National Wildlife Refuge required by the Proposal and announced plans by utilities for 765 kV power line sizes across the Midwest, whether approval of funding by the RUS or permits by the USFWS would result in an irreversible or irretrievable commitment of national wildlife refuge resources to meet private power suppliers' interests.
- N-002-025** | The EIS should evaluate the impacts of audible noise from the Proposal, as compared to the no-build and the identified alternatives, both in residential areas and in recreational, scenic and wildlife preservation areas where quietude is of particular value.
- N-002-026** | In addition to impacts on the natural environment, the EIS should evaluate impacts on land use and the human environment of the La Crosse Project. The EIS should compare adverse impacts on agricultural land in rural areas if the Proposal is built as compared with the no-build and previously identified alternatives.
- N-002-027** | The EIS should describe the impacts of electrical interference not only on radio and television signals, but on computerized systems used in agriculture, such as a global positioning systems for farm equipment. These adverse impacts should be compared with those of the no-build alternative and previously identified alternatives.
- N-002-028** | The EIS should also evaluate the impacts of the Proposal, the no-build alternative and the identified alternatives on property values, particularly property values in rural areas. Data from communities affected by the Arrowhead 345 kV power line in Wisconsin and the 345 kV Brookings Project being routed in Minnesota should be sought to determine the likelihood under current economic conditions that implementation of the La Crosse Project will reduce property values, particularly in rural areas along the route.
- N-002-029** | The EIS should detail the impacts of magnetic and electromagnetic fields along the length of the proposed La Crosse Project as compared to the impacts of the no-build alternative and identified alternatives to address community reliability needs. The EIS should evaluate the direct and indirect impacts of magnetic fields, including impacts on livestock from stray voltage and interference with certain types of pacemakers.
- N-002-030** | The EIS should also examine current scientific and policy analysis of the increased risk of childhood leukemia and other adverse health impacts in proximity to high voltage power lines. Specific references which should be consulted to perform this analysis include D. Carpenter & C. Sage, *Setting Prudent Health Policy for Electromagnetic Field Exposures, Reviews on Environmental Health*, Vol. 23, No. 2 (2008) and *BioInitiative Report: A Rationale for a Biologically-based Public Exposure Standard for Electromagnetic Fields (ELF and RF)*, (August 31, 2007) <http://www.bioinitiative.org/report/docs/report.pdf>
- This EIS analysis of direct and indirect adverse impacts of the La Crosse Project is particularly salient since all proposed routes for the La Crosse Project substantially affect agricultural lands and rural residents. It would seem paradoxical for the RUS to finance a Proposal designed primarily to serve non-RE Act beneficiaries, which Proposal would result in substantial adverse impacts to agricultural land, farms and rural residents.

#### Conclusion

CETF has serious concerns about the proposed La Crosse Project and its adverse impacts on the natural environment and the human environment, including health, land use and property

#### N-002-024

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

#### N-002-025

Your comment has been noted. Potential impacts from noise will be addressed in the Draft Environmental Impact Statement.

#### N-002-026

Your comment has been noted. Potential impacts to agricultural resources will be addressed in the Draft Environmental Impact Statement.

#### N-002-027

Your comment has been noted. Interference with electrical equipment caused by the transmission lines will be addressed with individual landowners if the problem arises.

#### N-002-028

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

#### N-002-029

Your comment has been noted. Potential impacts to human and livestock health and safety with regard to stray voltage will be addressed in the Draft Environmental Impact Statement.

#### N-002-030

Your comment has been noted. Potential impacts to human health and safety will be addressed in the Draft Environmental Impact Statement.



values, particularly in rural areas. We believe that the CapX2020 Projects are designed to serve primarily non-Rural Electrification Act beneficiaries and that there is no engineering basis under current and reasonable forecasts for asserted regional reliability needs.

The community reliability needs in Rochester, La Crosse and Winona asserted by Dairyland and the CapX2020 utilities to justify the Proposal also serve primarily urban non-RE Act beneficiaries. To the extent that the RUS is interested in considering La Crosse Project financing despite this conflict, CETF believes that there are specific alternatives, detailed in Figure 2 and Figure 3 above, which meet the community reliability needs asserted by the CapX2020 applicants. These alternatives have a lower installed cost than the La Crosse Project.

When an EIS analysis is appropriately prepared, as detailed above, CETF anticipates that a determination will be made that the Proposal is in conflict with Minnesota rules and Federal regulations, which protect federal parks and wildlife areas where there are reasonable alternatives to a project. CETF anticipates that an EIS, as described above, would find that identified alternatives to meet community reliability needs result in avoidance or minimization of direct and indirect impacts of the Proposal to protected natural resources, the human environment, agricultural lands and rural residents.

**N-002-031** | CETF requests that the EIS for the La Crosse Project perform the analysis required under NEPA and the regulations of the RUS and USFWS as detailed above.

We would be happy to answer any questions or provide additional citations if that would assist agency staff in their important deliberation process.

Respectfully submitted,



Paula Goodman Maccabee  
Counsel for Citizens Energy Task Force

cc:

Rick Frietsche, Acting Manager, Upper Mississippi River National Wildlife and Fish Refuge

#### **N-002-031**

Your comment has been noted. Dairyland Power Cooperative, one of the CapX2020 utilities, has requested financial assistance from USDA Rural Utilities Service (RUS), for Dairyland's anticipated 11 percent ownership interest in the proposed Hampton-Rochester-La Crosse 345 kilovolt transmission line project. RUS has determined that its funding of Dairyland's ownership interest is a federal action and therefore subject to the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). RUS is the lead agency for both NEPA and Section 106 review.

**Kessler, Ellen**

**From:** Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]  
**Sent:** Tuesday, July 28, 2009 11:15 AM  
**To:** Lilley, Bliss; Collins, Carly  
**Subject:** FW: CapX 2020 EIS Scoping Comments  
**Attachments:** MRR CapX Comments.doc

-----Original Message-----

From: solsimon@centurytel.net [mailto:solsimon@centurytel.net]  
Sent: Friday, July 24, 2009 12:21 AM  
To: Strength, Stephanie - Washington, DC  
Subject: CapX 2020 EIS Scoping Comments

Dear Ms. Strength,

Attached and below are comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR).

Sincerely,

Sol Simon

7/20/09

Stephanie Strength  
USDA, Rural Utilities Service  
1400 Independence Ave. SW, Mail Stop 1571, Room 2244  
Washington, D.C. 20250-1571

Re: EIS Scoping Comments for CapX 2020 Project

Dear Ms. Strength:

I am submitting comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR). The Mississippi River Revival is a 501 c3, river advocacy organization.

NEPA Process Concerns

In terms of process, the Mississippi River Revival is concerned that the USDA may not be following NEPA requirements in the planning for the EIS, or the evaluation of alternatives. The authors of the Alternative Evaluation Study and the Macro-Corridor Study did not formally seek early input from Wisconsin state agencies, or organizations involved with the Mississippi River Valley. In addition it is concerning that the USDA published the Alternative Evaluation Study (which clearly dismisses certain alternatives such as the no action alternative), prior to initiating an EIS. Section 1502.14 of NEPA outlines that the

N-003-001

N-003-002

**N-003-002**

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

primary purpose of an EIS is to evaluate all of the alternatives (including the no action alternative) so that a preferred alternative may be chosen.

The Council on Environmental Quality (CEQ) directs federal agencies to work with relevant state agencies and private organizations early in the planning process for an EIS. The CEQ's 40 questions page states, "Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed." <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

Under NEPA, the USDA must determine and analyze the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. The Council on Environmental Quality directs federal agencies to evaluate, "reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS."

N-003-006

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

N-003-002

At the public scoping meeting in Fountain City on 6/25/09, both CapX 2020 staff person Tom Hillstrom and RUS staff person Stephanie Strength communicated that site specific environmental concerns on the proposed routes (especially in Wisconsin) had not yet been identified. In addition, the RUS Macro-Corridor Study fails to identify many critical site specific environmental concerns.

N-003-007

MRR asserts that the USDA EIS must provide a detailed environmental analysis from which the USFWS can prepare an adequate EIS. 50 C.F. R. §29.21-2 states, "All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. ) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq. ), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq. ), Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921), and "Procedures for the Protection of Historic and Cultural Properties" (36 CFR, part 800). A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown."

General Environmental Concerns

**N-003-008** | MRR's general concerns with the proposed CapX 2020 powerline routes are focused on the potential affects on the Mississippi River Valley. The line would have to cross the Mississippi River and several of the proposed routes would parallel along the Mississippi River Valley. Our scoping comments can be summarized into seven areas of concern: viewshed encroachment, scenic easements, wetlands encroachment, risk to avian species, affect on endangered and protected species, affect on archeological resources, and proximity of right of way to residences and schools.

Viewshed Encroachment and Economic Development

The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 by the Army Corps of Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).

**N-003-003** | Several of the proposed routes for CapX 2020 would locate 175 feet tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.

Scenic Easements along the Great River Road Scenic Byway

**N-003-009** | The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.

Wetlands Encroachment

**N-003-004** | Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.

Risk to Avian Species

Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well

**N-003-003**

Your comment has been noted. Potential impacts to social and economic resources will be addressed in the Draft Environmental Impact Statement.

**N-003-004**

Your comment has been noted. Potential impacts to wetlands will be addressed in the Draft Environmental Impact Statement.

documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, Solution Sought for North Dakota Power Line Bird Strikes, detailed the problem, "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air. Schriener said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway." (<http://abcnews.go.com/US/wireStory?id=5854713>)

**N-003-004** | The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

Effect on Protected and Endangered Species

**N-003-010** | The USDA EIS should analyze and determine the potential effects of the proposed routes on Bald Eagles. Many bald eagle nests are known to be located along the proposed routes. In addition, mortalities have occurred from existing high voltage lines in the Mississippi River Valley and high voltage line surveys conducted from helicopters.

The Bald Eagle Protection Act (16 U.S.C. 668-668c), prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

**N-003-011** | Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

Archeological and Cultural Resources

**N-003-012** | There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

N-003-005

#### Proximity of Right of way to Residences and Schools

Several of the proposed routes have residences and schools within the proposed 150 of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon  
Mississippi River Revival  
Suite 305, 51 East Fourth St.  
Winona, MN 55987

#### N-003-005

Your comment has been noted. Potential impacts to land use will be addressed in the Draft Environmental Impact Statement.

#### N-003-006

The project is still in the development and planning stages and the utilities are striving to provide the most up to date information in a timely manner. Project information is updated regularly on the project website, [www.capx2020.com](http://www.capx2020.com).

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

#### N-003-007

Your comment has been noted. Dairyland Power Cooperative, one of the CapX2020 utilities, has requested financial assistance from USDA Rural Utilities Service (RUS), for Dairyland's anticipated 11 percent ownership interest in the proposed Hampton-Rochester-La Crosse 345 kilovolt transmission line project. RUS has determined that its funding of Dairyland's ownership interest is a federal action and therefore subject to the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). RUS is the lead agency for both NEPA and Section 106 review.

#### N-003-008

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing

7/20/09

Stephanie Strength  
USDA, Rural Utilities Service  
1400 Independence Ave. SW, Mail Stop 1571, Room 2244  
Washington, D.C. 20250-1571

Re: EIS Scoping Comments for CapX 2020 Project

Dear Ms. Strength:

I am submitting comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 power line, on behalf of my organization, the Mississippi River Revival (MRR). The Mississippi River Revival is a 501 c3, river advocacy organization.

*NEPA Process Concerns*

In terms of process, the Mississippi River Revival is concerned that the USDA may not be following NEPA requirements in the planning for the EIS, or the evaluation of alternatives. The authors of the Alternative Evaluation Study and the Macro-Corridor Study did not formally seek early input from Wisconsin state agencies, or organizations involved with the Mississippi River Valley. In addition it is concerning that the USDA published the Alternative Evaluation Study (which clearly dismisses certain alternatives such as the no action alternative), prior to initiating an EIS. Section 1502.14 of NEPA outlines that the primary purpose of an EIS is to evaluate all of the alternatives (including the no action alternative) so that a preferred alternative may be chosen.

The Council on Environmental Quality (CEQ) directs federal agencies to work with relevant state agencies and private organizations early in the planning process for an EIS. The CEQ's 40 questions page states, "Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed." <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

Under NEPA, the USDA must determine and analyze the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. The Council on Environmental Quality directs federal agencies to evaluate, "reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS."

process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

**N-003-009**

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

**N-003-010**

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

~~REDACTED COMMENT~~

**N-003-012**

Your comment has been noted. Impacts to historic and archeological resources affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

At the public scoping meeting in Fountain City on 6/25/09, both CapX 2020 staff person Tom Hillstrom and RUS staff person Stephanie Strength communicated that site specific environmental concerns on the proposed routes (especially in Wisconsin) had not yet been identified. In addition, the RUS Macro-Corridor Study fails to identify many critical site specific environmental concerns.

MRR asserts that the USDA EIS must provide a detailed environmental analysis from which the USFWS can prepare an adequate EIS. 50 C.F. R. §29.21-2 states,

“All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* ) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.* ), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.* ), Executive Order 11593 “Protection and Enhancement of the Cultural Environment” of May 13, 1971 (36 FR 8921), and “Procedures for the Protection of Historic and Cultural Properties” (36 CFR, part 800).

A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown.”

#### *General Environmental Concerns*

MRR’s general concerns with the proposed CapX 2020 power line routes are focused on the potential affects on the Mississippi River Valley. The line would have to cross the Mississippi River and several of the proposed routes would parallel along the Mississippi River Valley. Our scoping comments can be summarized into seven areas of concern: viewshed encroachment, scenic easements, wetlands encroachment, risk to avian species, affect on endangered and protected species, affect on archeological resources, and proximity of right of way to residences and schools.

#### *Viewshed Encroachment and Economic Development*

The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 by the Army Corps of



Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).

Several of the proposed routes for CapX 2020 would locate 175 foot tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.

#### *Scenic Easements along the Great River Road Scenic Byway*

The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.

#### *Wetlands Encroachment*

Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.

#### *Risk to Avian Species*

Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, *Solution Sought for North Dakota Power Line Bird Strikes*, detailed the problem, "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air.

Schriner said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway."  
(<http://abcnews.go.com/US/wireStory?id=5854713>)

The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

#### *Effect on Protected and Endangered Species*

The USDA EIS should analyze and determine the potential effects of the proposed routes on Bald Eagles. Many bald eagle nests are known to be located along the proposed routes. In addition, mortalities have occurred from existing high voltage lines in the Mississippi River Valley and high voltage line surveys conducted from helicopters.

The Bald Eagle Protection Act (16 U.S.C. 668-668c), prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

*Archeological and Cultural Resources*

There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

*Proximity of Right of way to Residences and Schools*

Several of the proposed routes have residences and schools within the proposed 150' of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon  
Mississippi River Revival  
Suite 305, 51 East Fourth St.  
Winona, MN 55987



**Bluff Land Environment Watch**  
**P.O. Box 315, Winona, MN 55987-0315**

July 24, 2009

Stephanie A. Strength  
Environmental Protection Specialist/RD  
1400 Independence Ave. SW Room # 2244  
Washington, DC 20250-1571  
Sent via E-mail: [stephanie.strength@usda.gov](mailto:stephanie.strength@usda.gov)

RE: USDA Rural Utilities Service EIS Scoping for the CapX2020 La Crosse Project.

Dear Ms Strength:

I represent BLEW, a Winona area grassroots environmental organization which has been working since 1991 to protect the air, land and water in our community through education, organizing and direct action.

We have been participating in information meetings, public forums and public hearings on this proposed power line organized by CAPX 2020, the MN Department of Commerce, the Administrative Law Judge, legislators and other community organizations for the last 30 months. The more we learn about it, the more we have become concerned.

We do not believe the CAPX2020 is a good investment or a sound project. We recommend the "NO BUILD" alternative. We do not think taxpayers should finance any portion of the CapX2020 La Crosse Project through the USDA Rural Utilities Service. Some of the reasons for this are as follows:

N-004-001

- 1) There is no demonstrated need for the Twin Cities – Rochester – La Crosse line. Lower voltage power lines, existing generation and updated forecasts for peak demand do not support the need for the CAPX powerline in the Rochester area. This was acknowledged by Xcel Energy witnesses in evidentiary hearings before Administrative Law Judge Beverly J. Heydinger for the MN Certificate of Need.
- 2) In an era when major goals are being set by many states and the federal government to prevent catastrophic global warming, many want to increase wind and solar power use as an alternative to dirty coal. The CAPX2020 utilities have made no commitment to any amount of wind power on these wires and are, in fact, trying to remove the wind power ordered by the MN Public Utilities Commission on April 16, 2009, in their approval of the MN Certificate of Need for the Brookings segment of the CAPX powerline

#### N-004-001

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:  
<http://www.usda.gov/rus/water/ees/eis.htm>.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-004-002

- 3) The concept of generating large quantities of electricity in locations far from its end use and sending it to consumers via high voltage transmission lines is outdated and dangerous. Large amounts of electricity are wasted in this transmission process, thousands of huge unsightly power towers are necessary which consume enormous amounts of energy to make and install, and those of us who live and work under and around the high voltage power lines are subject to the effects of electromagnetic fields causing childhood leukemia.

N-004-004

- 4) Smart Grid technology will soon be available increasing the likelihood that much higher levels of efficiency by consumers and industry will substantially decrease the amount of energy needed to run our homes, communities and businesses. Even Xcel Energy has a Smart Grid pilot project in process in Bolder, Colorado. When this technology becomes available, it will make these power lines unnecessary and a waste of energy.

N-004-003

- 5) If the CAPX2020 power lines are constructed it will make it more possible for new coal plants to be operated successfully in the Dakota's with their energy transported via these lines to large metropolitan areas to the east where the cost of producing energy is higher. Many scientists have made it clear that one important step in controlling global climate change is to build no more coal fired power plants. Minnesota receives the mercury fall-out from coal plants to our west which contaminates the fish we consume from our rivers, lakes and streams which then affects the development of our children's brains. We cannot morally encourage any more coal power plants.

N-004-005

- 6) Finally, we who live in Winona area will be negatively affected by the CAPX2020 power lines. Two of the proposed River crossing routes go through Winona County and one route goes through Fountain City, WI, a neighboring community. Some of our members are highly trained biologists, authors of books on bird habitat/activity, and many spend time observing and appreciating the birds in the Mississippi river flyway. We know that the proposed 150-170 Ft. towers will have a negative impact on the annual migration of millions of birds and waterfowl up and down the Upper Mississippi National Wildlife and Fish Refuge. Even the CAPX2020 utilities state in their printed material that they "can decrease but not eliminate bird collisions" with the power lines. The powerline will cause fragmentation of habitat in a national wildlife refuge which is unacceptable.

## N-004-002

Your comment has been noted. Potential impacts to human and livestock health and safety with regard to EMF will be addressed in the Draft Environmental Impact Statement.

## N-004-003

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

## N-004-004

Your comment has been noted. Smart grid technologies are in their development stage and are too new to offset the need for transmission line development to meet customer electric needs. The technologies appear promising but have not been tested to a degree that would allow development of an electric grid that depends on them. Therefore, smart grid technologies cannot offset the need for the CapX2020 transmission lines or any other lines currently proposed.

## N-004-005

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

Stephanie A. Strength – CAPX2020 Comments -7/24/09 – page 3

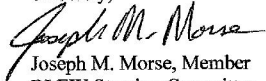
N-004-007

N-004-006

As an organization, we have spent considerable effort working to protect the bluffs in this area from the construction of unsightly buildings on bluffsides and ridgelines which cause erosion, landslides and damage the visual beauty of our communities. The proposed power line towers would severely detract from the efforts of both private and public organizations to preserve these visual resources which are important aesthetic and economic assets for Winona and Winona County. The powerlines would create a decrease in property values for many of the landowners in this area.

Thank you for taking the time to review these comments. We are hoping you will give our perspectives the same weight as the 11 utilities proposing this project.

Sincerely,



Joseph M. Morse, Member  
BLEW Steering Committee  
507.452.8232  
josephmmorse@gmail.com

#### N-004-006

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

#### N-004-007

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

July 25, 2009

**11 Pages – including Cover**

To: Deputy Public Affairs Director Dan Campbell 202-720-6483 Rm 4809-S

[Dan.Campbell@usda.gov](mailto:Dan.Campbell@usda.gov)

FAX 202-690-4083 Washington, DC 20250

**\*\*\*Mr. Campbell, can you please forward to Mr. Strength.**

FOR: Stephanie Strength

Environmental Protection Specialist/RD

1400 Independence Ave. SW Room # 2244

Washington, DC 20250-1571

USDA/RUS Faxed to: 202-720-1725

[Stephanie.strength@usda.gov](mailto:Stephanie.strength@usda.gov)

Re: CapX2020

From: Jeremy Chippes

Citizens Energy Task Force

Phone: 608-317-5700

Dear Stephanie, attached are petitions including signatures from concerns residents from both WI and MN, regarding the CapX2020 project (USDA/RUS).

Enclosed are:

- 1) Six pages of signatures from Wisconsin & Minnesota residents where petitioners signed to the following:
  - a. 1) Say NO to federal tax financing of the La Crosse Capx2020 power line through the USDA/RUS for lack of need, and the avoid environmental and economic loss to the land and people of Trempealeau County
- 2) Four pages of petitions from both WI and MN residents where petitioners signed to:
  - a. 1) Reconsider MN Certificate of Need (CON) for the Capx2020 power lines, including the La Crosse line.
  - b. 2) Say NO to federal tax financing of the La Crosse CapX2020 power line.

Thank you for including this in your review of the USDA/RUS EIS Process.

We firmly believe that the USDA/RUS should consider the "NO BUILD" option for CapX2020.

Thank you,

Jeremy Chippes

**N-005-001**

Your comment has been noted. The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

# (2020 High Voltage Power Line Project

other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to the Mississippi River either at Alma, WI, Winona MN or La Crosse. Large 150-ies would have a major impact on scenic beauty property values, natural habitats and health (AFS). CapX2020 power lines could also permit dirty coal power from North Dakota to be East, where the power can be sold for the utilities profit to large markets like Chicago. on April 16, 2009 didn't consider new evidence of the reduction in electric demand or t would cause less environmental harm to the Upper Mississippi River National Wildlife Refuge could be funded by increased rates. Dairyland Power is also asking for our federal tax money SDA/RUS) to pay its costs for the La Crosse power line. Visit: [www.cetf.us](http://www.cetf.us)

**Need (CON) for the CapX2020 power lines, including the La Crosse line;**  
**ing of the La Crosse CapX2020 power line.**

d your email address for updates. CETF is working with Miss. River Revival to fight CapX2020 lines.

email address / PHONE	1) Oppose CapX2020 (X)	2) Oppose Tax s for CapX (X)	3) *Join CETF (X)
County Rd 17 Winona, MN 55907	X	X	X
216 La Crosse MN 55947	X	X	
714 14 <sup>th</sup> St La Crosse WI 54601	X	X	
3 29 <sup>th</sup> St. So. La Crosse WI 54601	X	X	X
-Horseshoe Dr La Crosse, WI 54601	X	X	X
7 Van Loon Rd. La Crosse, WI 54601	X	X	X
Van Loon Rd. La Crosse, WI 54601	X	X	X
8 Old Mill Rd Dunes, WI 53947	X	X	X
→ Brandon Cyka.com			

Jul 25 08 01:54P  
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N-005 CETF Petition  
Appendix I

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could also permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold for the utilities profit to large markets like Chicago. Certificate of Need (CON) approved on April 16, 2009 didn't consider new evidence of the reduction in electric demand or alternatives to the La Crosse line that would cause less environmental harm to the Upper Mississippi River National Wildlife Refuge and other natural resources. Lines would be funded by increased rates. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. Visit: <a href="http://www.cetf.us">www.cetf.us</a>
Actions petitioned for:	1) Reconsider MN Certificate of Need (CON) for the CapX2020 power lines, including the La Crosse line; 2) Say NO to federal tax financing of the La Crosse CapX2020 power line.

Date: \* 3) Join Citizens Energy Task Force- it's free. Add your email address for updates. CETF is working with Miss. River Revival to fight CapX2020 lines.

Printed Name	Signature	Street Address	email address	PHONE	1) Recon- sider CON (X)	2) Oppose Tax \$ for CapX (X)	3) Join CETF (X)
Flavio Reis	Flavio Reis	225 State St La Crosse, WI		54601		✓	
Mark Lenway	Mark's Jenny	PO Box 23 Kenyon, MN.		55946		X	X
Tom Wiedel	Tom Wiedel	PO box 44 LaCrosse, Min		55947		X	X
Alan Lehmann	Alan Lehmann	3490 Hwy 16 LaCrosse, MN		55947		X	X
Rex Becker	Rex Becker	4361 City Rd 12 Potosi, MN		55823		X	X
Marilyn Zent	Marilyn Zent	PO Box 177, Dakota, MN		55925	X	X	X
Shirley Rosendahl	Shirley Rosendahl	1703 Corridor 6 LaCrosse, MN		55947		X	X
Paul Ammerman	Paul Ammerman	W8083 August Ave Holmen, WI		54636		X	X
Glema Gervais	Glema Gervais	32100 CO RD 16 La Crosse, WI				X	X
Alan Miller	Alan Miller	113 W 8th St. Red Wing, MN		55066		X	
JOHN MASS	John W. Mass	32352 LANES VALLEY RD. LA CROSSE, WI				X	

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**Petition: Oppose CapX2020 High Voltage Power Line Project**

P. 7

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Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF's). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
Actions petitioned for:	<b>1) Say NO to federal tax financing of the La Crosse CapX2020 power line through the USDA/RUS for lack of need, and to avoid environmental and economic losses to the lands and people of Trempealeau County!</b>

Date: **2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines. Please return petitions to Ron Reimer, N23440 McCabe Lane, Ettrick, WI 54627 by July 22, 2009**

Signature	Print Name	Street Address / email address / PHONE	I would like to join CETF (X)
<i>Danna Linberg</i>	Danna Linberg	Taylor, WI 54659	
<i>Jon Hansen</i>	Jon Hansen	Arcadia, WI 54612	
<i>Joanne Hinnrich</i>	Joanne Hinnrich	Winona, MN 55997	
<i>Elaine Hanson</i>	Elaine Hanson	N22952 Lukowski Lane, Arcadia, WI	
<i>Jonny Cleland</i>	Jonny Cleland	3855 Wilson Ave Apt 52 Arcadia, WI	
<i>Rita Smith</i>	Rita Smith	N24518 Andy Ln Arcadia, WI	
<i>Peter Borman</i>	Peter Borman	N26051 Kumppecker Rd Prairie, WI 54616	
<i>Pete Becker</i>	Pete Becker	620884 McElvany Rd Galesville, WI 54630	
<i>Wanda H. H. H.</i>	Wanda H. H. H.	61508 River Drive Galesville, WI 54630	
<i>Erin Klouch</i>	Erin Klouch	35172 Claire St Whitehall, WI 54773	
<i>Traci Skellern</i>	Traci Skellern	N21478 LaFollette Lane Ettrick, WI 54627	
<i>Dennis Shepherd</i>	DENNIS SHEPHERD	W3756 Shepherd Road Osgood, WI 54758	
<i>Andrea Remus</i>	Andrea Remus	W1809 Lebanon Rd. Ettrick, WI 54627	
<i>John Remore</i>	John Remore	11822 Pine Street Trempealeau, WI 54611	
<i>Bar Rodster</i>	Bar Rodster	N21786 Oak Ridge Dr, Galesville, WI 54630	
<i>Paula G.</i>	Paula G.	N28067 Ct J Blair, WI 54616	
<i>Ryan Jorgensen</i>	Ryan Jorgensen	Ryan.Drum@hotmail.com	
<i>Sally Reimer</i>	Sally Reimer	PO Box 308 Galesville, WI 54630	

**Petition: Oppose CapX2020 High Voltage Power Line Project**

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF's). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
Actions petitioned for:	1) Say NO to federal tax financing of the La Crosse CapX2020 power line through the USDA/RUS for lack of need, and to avoid environmental and economic losses to the lands and people of Trempealeau County!

Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates: CETF is working with Mississippi River Revival to fight CapX2020 lines. Please return petitions to Ron Reimer, N23440 McCabe Lane, Ettrick, WI 54627 by July 22, 2009

Signature	Print Name	Street Address	email address	PHONE	I would like to Join CETF (X)
	Ronald Reimer	N23440 McCabe Ln, Ettrick, WI 54627			X
	Raymond Prow	N26143 Joe Conlee Rd, Blaine WI 54616			X
	Robert Atkinson	N26174 Ettrick WI 54627			
	John A. Weller	15778 W 4th St Ettrick WI 54627			
	Nancy J. Olson	N89595 N. Creek Rd, Oriskany WI 54661			
	Nicholas J. Szymanski	Remembrance Lane Ettrick WI 54627			
	Louis A. Taylor	24529 Third St, Trempealeau WI 54661			X
	Ron A. Leason	N241868 Thompson Valley Rd, WI 54612			
	Douglas V. Atkinson	19712-24550 Wood Lake WI 54650-1118 WI			
	Mase M. L. Szymanski	Holmen Wis 620 Main St.			
	Ed Patzner	com J-24001 A. Acadia			
	Nancy J. Horton	N23440 McCabe Lane Ettrick			X
	Ralph J. Schraeder	20293 W. Clark Ave. Graessli, IL			
	Kevin A. Rittner	N266831 Hwy 53/121, Whitehall, WI			
	Carl R. Stone	318 S. Oak St. Acadia, WI 54612			
	Jake McFarlane	219 N. 4th St. Water town, WI 53094			X
	Michael Gohres	708 Hillcrest Ave. 53147			
	Eric Ringlien	P.O. Box 402 12734 Main Pigeon Falls WI 54420			

**Petition: Oppose CapX2020 High Voltage Power Line Project**

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines across the Mississippi River either at Alma, WI, Winona MN or La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse. 170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property value, risks from electro-magnetic fields (EMF's). CapX2020 power lines could permit dirty coal power from transmitted across MN & WI to points east, where the power can be sold to lucrative markets like CT. Line corridors down either side of the Mississippi River have met with stiff opposition, resulting in sav Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, higher electricity rates and to abandon our lands and risk our health so that urban areas can have reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities. Its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project with environmental disaster. Locally, our power consumption is declining, not increasing and efforts to inc should perpetuate this trend.
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Signature	Print Name	Street Address / email address / PHONE
<i>[Signature]</i>	Earl Reimer	20599 Quinn Rd, Galesville WI 608 489 001
<i>[Signature]</i>	Dorothy Brush	24239 3rd St Trempealeau, WI 5466
<i>[Signature]</i>	W. DEANNE SCORPASH	419811 N. RIVER RD. WHITEHALL, WI 53
<i>[Signature]</i>	Kyle K. Bartsch	117528 N 4th St Galesville WI 546
<i>[Signature]</i>	JENFER BARTSCH	117528 N 4th St Galesville, WI 5462
<i>[Signature]</i>	Marylee Hegdauwer	120888 Lee Lane Blair Wisconsin
<i>[Signature]</i>	Ken Becker-Galesville	16639 S 10th St Galesville wisconsin 54627 net:
<i>[Signature]</i>	TIM GALEWSKI	16639 S 10th St, Galesville WI 54630 tim@reim
<i>[Signature]</i>	MEL CEE	Box 544 Whitehall WI 538 5
<i>[Signature]</i>	Nancy Howell	16852 So. 5th St Galesville 582-201
<i>[Signature]</i>	Brenda Harsche	3616 ABRAMS ST. harsche@tcom.net
<i>[Signature]</i>	Depl Anne	91 E. 4th St. Holman WI 54627
<i>[Signature]</i>	Jodi Olson	119056 Wisconsin Ln Elletts WI 54627
<i>[Signature]</i>	Betty Walcott	114745 Woodland Lane WI 54658
<i>[Signature]</i>	Dan Sampson	11332 N Green Rd, Arcadia WI 5442
<i>[Signature]</i>	Gary Gaudreau	St Johns Rd. Town of CAIRO
<i>[Signature]</i>	Ken Johnson	1007219 CALESVILLE WI 54630
<i>[Signature]</i>	Marymbrown	1007498 Sullivan Rd Trempealeau WI 546

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
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Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines.

Signature	Print Name	Street Address	email address	PHONE	I would like to join CETF (X)
<i>[Signature]</i>	JANICE H. HERSH	112652 Hwy M Calmar, WI		608-458-0757	
<i>[Signature]</i>	Dawn Gorski	52863 Elm St Fountain City	kgerski@yaho.com		
<i>[Signature]</i>	Larry Moore	24882 1st St Trempealeau WI	moore4@earthlink.net		
<i>[Signature]</i>	Kathleen Bibby	1119056 Swenson Ln Effrick WI		608-582-2322	
<i>[Signature]</i>	paul storn	W266 Pappas Valley Rd Fountain City, WI	storn@wi.rr.com	608-687-3008	
<i>[Signature]</i>	Trish Johnson	"	trishjohn@earthlink.net		
<i>[Signature]</i>	Eric Hunsicker	19990 W Ridge Calmar, WI		5822395	X
<i>[Signature]</i>	Val Pritzman	W18486 Horne Drive Effrick, WI			
<i>[Signature]</i>	Dianne Brown	W30924 N Trump College Rd, Taylor, WI			

Petition: Oppose CapX2020 High Voltage Power Line Project

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Signature	Print Name	Street Address / email address / PHONE	I would like to Join CETF (X)
<i>Michael Batzler</i>	Michael Batzler	Crystal Valley Rd. Gale, WI 414-520-5596	YES
<i>Jim Lynch</i>	Jim M. Lynch	Home - 1499 Conestoga Ct. Richfield, WI 3076 20716 W. Gale Ave. 608 582-4521 Galesville WI 54630 j.lynch@charter.net	YES
<i>Elise Olson</i>	Elise Olson	415006 Canton Ln. Effrick, WI 608 525-5803	Yes
<i>Wade Briggs</i>	Wade Briggs	20716 W. Gale, Galesville, WI 608 582-4521	YES
<i>George Brandt</i>	George Brandt	W19517 Starbuck Rd. Arden, WI 608-585-6840	
<i>Christa Berg</i>	Christa Berg	Elk Creek, WI	
<i>Mark Kamp</i>	Mark Kamp	" " 608 525-4306	X
<i>John Johnson</i>	John Johnson	1022 W. Main St. Effrick, WI 608-582-0744	
<i>Deb Congdon</i>	Deb Congdon	W10618 State Rd 54 Hudsonville, WI 608-582-4770	X

**Petition: Oppose CapX2020 High Voltage Power Line Project**

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crescent/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF/S). CapX2020 power lines could permit dry coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
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Signature	Print Name	Street Address	email address	PHONE	I would like to join CETF (X)
	Thomas Wilke	N 7714 St. John Ave	11085345812		
	Fred Nehring	N 32878 Hwy 53	Whitehall WI	538-4805	
	Diane Nehring	N 32878 Hwy 53	Whitehall, WI	538-4805	
	Nancy Martin	N 25205 Satterlee	Ettrick WI	505-2219	
	Wilma Bibby	N 25205 Satterlee	Ettrick WI	505-2219	
	Sandra Bradley	W 11203 S. Rte 1	Ettrick WI	505-2219	
	Evelyn J. Miller	W 11203 S. Rte 1	Ettrick WI	505-2219	
	Robert Wilson	N 26497 Hwy 53	Blair WI	505-9170	
	Christine Wilson	N 26497 Hwy 53	Blair WI	505-9170	
	Gordon Hebertson	19814 East Ridge Ave	Galena, WI	504-4447	
	Lorraine Burks	W 15901 City Rd AA	Galena, WI	504-4444	
	Terry Mueller	N 8668 O. Thompson Rd	Holmen WI	546-2626	
	Anthony Dyak	121 W. Broadway St	Blair, WI	54616	
	Melissa Colvin	24343 5th St	Trempealeau, WI		
	Dan Wood	N 15232 Engen Rd	Galena, WI	54630	
	Barb Howell	N 15232 Engen Rd	Galena, WI	54630	



**Cummings, Matt**

**From:** Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]  
**Sent:** Tuesday, August 04, 2009 12:36 PM  
**To:** Lilley, Bliss; Collins, Carly  
**Subject:** FW: CAPX2020

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** zoltancsete@yahoo.com [mailto:zoltancsete@yahoo.com]  
**Sent:** Monday, August 03, 2009 2:48 PM  
**To:** Strength, Stephanie - Washington, DC  
**Subject:** CAPX2020

**N-006-001**  
**N-006-002**  
**N-006-003**  
**N-006-004**

I am very concerned and at the same time outraged that we are thinking about funding the CAPX2020 project. It clearly is not needed and we should be focusing our efforts and investments toward cleaner energy. This power line WILL affect our area in countless ways. Decreased property values, so many environmental effects, and energy that we will not even use in our area. These are just a few of the outcomes of CAPX2020. I support the Trempealeau County Citizen's Energy Task Force of Western Wisconsin. Please don't let big energy outvoice our citizens and our environment. Please stand up for us and help us. Please let me know if there's anything I can do. Thank you,  
Zoltan Csete

Bellow is the letter from the energy task force.

Re: USDA/RUS EIS Scoping

The Trempealeau County Citizen's Energy Task Force of Western Wisconsin, would like to go on record as opposing the granting of financial assistance to Dairyland Power Company of La Crosse, Wisconsin and would like to submit comments to be included with the EIS scoping to wit:

This transmission line is being represented to local residents at meetings held by CAPX2020 representatives to be a "redundant" line to make electrical service to our area more secure and more reliable. Riverland Energy Coop, a member of Dairyland Energy Coop would hardly be involved in this project otherwise. This seems inconsistent with the siting of a substation that would permit Riverland Energy to have access to the power on this line being on the far side of Trempealeau County. If this energy was for local use, it would have been dropped down at Alma and transmitted as lower voltages than 345 kv, to eliminate the expense of high tension lines unnecessarily crossing the entire county at \$860,000/mile cost. La Crosse wouldn't need 345kv service coming through Trempealeau. They don't need that much new capacity. This project is extremely wasteful of financial and environmental resources for a "redundant" line. A back-up line clearly doesn't need to be larger than the primary feeds.

It appears to us that the real justification for constructing this line is to wholesale cheap energy produced in North Dakota and soon South Dakota, to Chicago and points east. Not only does this require us in Trempealeau County to bear the financial burden of constructing the line; we must suffer the losses to our undeveloped and natural, rural environment. Furthermore, it creates more problems for Wisconsin and Minnesota with respect to air quality, due to being downwind from coal plants too dirty to meet Wisconsin and Minnesota emission standards, not to mention the additional contributions to atmospheric carbon.

Trempealeau County is geologically unique in being a large part of that small, unglaciated bioregion, called the

**N-006-001**

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. Alternatives to the project will be addressed in the Draft Environmental Impact Statement. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>. Alternatives to the project will also be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement nd will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

**N-006-002**

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

**N-006-003**

Your comment has been noted. Potential impacts to wildlife, vegetation, and wetlands will be addressed in the Draft Environmental Impact Statement.

**N-006-004**

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>.

Driftless Area. This area owes much of its agricultural and tourist economy to this relatively pristine traditional rural landscape, featuring small farms, including specialty, Amish, and organic farms, historic buildings, bike trails, small family businesses, and life in the slow lane. The kind of development that more urban areas in the state have seen has for most purposes passed Trempealeau County by.. In fact we only have one traffic light in the entire county. It is hard for us to understand why we should allow this kind of desecration of our landscape to happen unless absolutely necessary, which this power line is clearly not.

Our Trempealeau County Citizens Energy Task Force is undertaking a study to determine how a distributed or decentralized electric energy distribution network could meet our local energy needs with renewable resources and programs to conserve energy and encourage its more efficient use by local residents and businesses, so that we can manage adequately with the existing distribution network, at great savings to ourselves as ratepayers, and the American taxpayer.

There is incredible interest in our community in moving in the direction of using renewable and sustainable energy resources. One would think the utilities would want to economize by switching over to distributed generation, instead of incurring these huge expenditures of public money.

We see the current slowdown in energy demand as the perfect time and place to switch course away from fossils fuels and nuclear technology and toward sustainable and clean means of procuring our energy. We have contacted Governor Doyle about working with him and his Energy Task Force, and offered to share with him our ideas about how the State could facilitate a more democratic and grass-roots approach to developing distribution systems, instead of relying on corporate monopolies to decide what is best for us. It doesn't make sense at this point to be investing billions of dollars in antiquated, dirty, technologies which lock us in to 50 years or more of the same negative environmental impacts.

Many of our group members and the larger members of the community are very worried about the environmental implications of what we understand would be an underwater crossing of the CAPX2020 line at Alma, Wisconsin. The bottom of the Mississippi River at that location is laden with environmental toxins in the form of PCBs that must not be disturbed! Trenching or even tunneling across the river at that point is an environmental disaster waiting to happen. With surface temperatures of the line reputed to be around 300 degrees, cooling this line could also represent an environmental challenge. In talking to employees of the US Fish and Wildlife Service, it appears they clearly do not want this power line to cross the Mississippi, anywhere, and the Alma choice is merely their preference as a last resort. An unnecessary, "redundant" power line, which will not serve our area, and which the regional economy cannot afford at present, is just not worth the risk! Energy consumption is experiencing a decelerating trend. DOE statistics show rates of increase approaching just a few percent. Xcel Energy has reported a nearly 12% drop in demand between 2006 and 2008. With solar and wind technology beginning to show their presence, our use of energy produced by fossil fuels and nuclear fuels is likely to begin to decline, not increase. Let's give these new technologies a chance to prove they can replace toxic ways of producing energy.

Let the new smart grid and distributed generation concepts take hold.

In a few short weeks since some of the local residents living in the proposed corridor have heard about this project, our group sponsored a booth at the Trempealeau County Fair to alert citizens who had not heard about it. The booth had limited exposure and a rather unrepresentative sampling of county wide attitudes toward CAPX2020, but nearly everyone we talked with was outraged by this project. We found several people directly in the proposed path of this power line who had not been informed of meetings or even of the possibility of the line being located near their residences. We believe that certainly everyone in the proposed corridor should have been directly contacted, registered mail, return receipt requested, and that multiple notices should have been published in local newspapers to insure people in the entire county were notified about this project. All federal taxpayers and ratepayers have a stake in this issue, not just people living in the corridor! This county is truly in the dark about this project. Among reasons for concern among fair-goers stopping at our booth were: Reduced property values, the effects of emfs on the health of children and the elderly, higher utility rates, the deterioration of the beauty of our rural landscape, the siting of a substation to serve La Crosse and Holmen in OUR county, no hearings in Holmen, and the obvious fact that these lines are not for us.

We managed to get quite a few of them to sign a petition to the USDA/RUS to deny funding to Dairyland

Power to participate in this project. We are continuing to circulate the petition and will submit it in opposition to the project at a later date. For the purposes of this scoping comment process, we are including a copy of the petitions as of the close of the comment period, in pdf format. The same pages are also being submitted by fax with other petitions submitted by the Minnesota CETF. We anticipate that our ongoing efforts to secure signatures for our petition will be in the higher hundreds in a short period of time.

We are very concerned with the lack of effective notice given by Dairyland Power and Xcel Energy to affected residents. We contacted Xcel Energy and offered to help inform people about the project, but they refused to cooperate with our requests for names and addresses of people who they were supposed to have contacted.

According to the Sierra Club, this information is supposed to be in the public domain and they should have been required to give it to us. To the credit of Dairyland Power, we were given some maps and literature by them to pass on to the public. But there seems to be no interest on the parts of the CAPX2020 consortium to involve the public actively in routing this line. It seems our only opportunity to have input, is through this comment procedure, which feels awfully insignificant. For a project that is suppose to be in the public interest, this looks suspiciously aimed toward investors in utilities, not the public

Please do not fund this project. It is an environmental disaster! Thank you!

Respectfully,

Ron Reimer

Nancy Horton

Representing Trempealeau Citizens Energy Task Force